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Report of the Working Group on the Universal Periodic Review*

Cabo Verde

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Position of Cabo Verde regarding the Recommendations of the UPR, 3rd cycle

1. Cabo Verde reaffirms its commitment to promote, protect, and respect human rights for all and to the universal periodic review process (UPR).

2. Cabo Verde welcomes the valuable contribution of delegations during the UPR 3rd cycle interactive dialogue last May and the 159 recommendations received. The recommendations were examined by a working group composed of the institutions involved in the preparation of the UPR report. Upon detailed examination of the recommendations received, Cabo Verde accepts 144 recommendations and notes 15 recommendations.

3. The 144 recommendations accepted pertain to key human rights domains, such as cooperation with international human rights mechanisms and bodies, national human rights framework, equality and non-discrimination, right to life, liberty and security of persons, administration of justice, fundamental freedoms and right to participate, prohibition of all forms of slavery, right to work, right to an adequate standard of living, right to health, right to education, gender Equality and the empowerment of women, rights of children, rights of persons with disabilities, migrants, refugees, asylum seekers and stateless persons (a summary table of accepted recommendations is attached). Cabo Verde is pleased to say that many of these recommendations are already under implementation and that the majority are aligned with existing policies and planning instruments, while additional measures will be promoted as necessary.

4. As for the 15 recommendations noted, these include:

- 14 recommendations that are supported but that have already been implemented and will thus not require further action.
- 1 recommendation that requires the country to take actions that are not a priority in its national human rights agenda and, as such, may not receive the same priority as accepted priorities within the time spam of the UPR cycle.

5. The 14 noted recommendations that are considered as already achieved are the following:

- **112.28 - Consider offering a standing invitation to the Human Rights Council special procedures:** as mentioned in Cabo Verde's national UPR report (paragraph 15), Cabo Verde issued a standing invitation to the Human Rights Council special procedures mandate holders on 26 April 2013 and in January 2015 received the visit of the Special Rapporteur on Adequate Housing. A visit of the Special Rapporteur on Development is now scheduled for November 2018.
- **112.33 - Consider the establishment of a national coordination mechanism for the elaboration of reports, follow-up and implementation of the recommendations, in line with the elements of the 2016 guide on national mechanisms for reporting and follow-up, published by OHCHR:** as mentioned in Cabo Verde's national UPR report (paragraph 17), such a mechanism has been established in 2017, the *Inter-Ministry Commission for the Elaboration of National Reports* (Resolution No 55/2017, June 15), attached to the Prime Minister's Office. The Commission's members have been appointed by order of the Prime Minister (Order N.º 02/2018, February 2).
- **112.49 - Decriminalize defamation and place it within a civil code that is in accordance with international standards and adopt a freedom of information law in accordance with international standards:** although the Penal Code does foresee the crime of defamation, the Constitution and the Social Communication Law guarantee freedom of information in line with international standards.
- **112.50 - Adopt comprehensive anti-trafficking legislation and a national action plan on trafficking with measurable indicators and targets:** as mentioned in Cabo Verde's national UPR report, the amendments introduced to the Penal Code strengthened the national legal framework to combat trafficking in persons (TIP), as

did the *Law on the entry, stay, exit and removal of foreign nationals from Cabo Verde*. The National Plan to combat Trafficking in Persons (2018-2021), mentioned in paragraph 83 of the report, has been approved and is under implementation.

- **112.57 – Step up efforts to combat trafficking in persons by adopting comprehensive legislation prohibiting and criminalizing trafficking in persons, including trafficking of women and girls for the purposes of exploitation in prostitution and domestic servitude:** as referred above (in respect to recommendation 112.50) Cabo Verde considers the amendments introduced to the Penal Code sufficient. They include TIP and servitude.

- **112.64 and 112.120 – Both pertaining to the National Plan to Combat Gender-based Violence, to include specific reference to trafficking and exploitation of women and children through prostitution:** the 2nd National Plan to Combat Gender-Based Violence (2015-2018) has been developed and contains measures on trafficking of women and girls and foresees specific programs to assist and protect victims of sexual harassment in secondary schools and public institutions, potential victims of FGM, trafficking, sexual exploitation and discrimination based on sexual orientation or gender identity.

- **112.68 and 112.69 – Both pertaining to the incorporation of the principle of equal pay for work of equal value between men and women in the labour laws in line with the ILO Conventions:** Cabo Verde's understanding is that this principle is already contained in article 62 of the Constitution and article 16 of the Labour Code.

- **112.73 – Guarantee the protection of workers against discrimination on the grounds of national origin:** although the prohibition of discrimination on the grounds of nationality is not specifically stated, any such discrimination can be legally framed, considering the Constitution's dispositions on descent and origin, as well as the article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by Cabo Verde and as such in force in the country's legal framework.

- **112.108 – Take the necessary measures to investigate and sanction those responsible for the de facto polygamy and female genital mutilation:** article 279 of the Penal Code criminalizes bigamy, punishing whoever, being married, enters another marriage. To be noted that *de facto* unions are, under the Civil Code, equivalent to marriage, provided they meet the established criteria. On this issue Cabo Verde sees the need to work through an information and educational approach on rights and on combating gender stereotypes. As for FGM, it is punished under the Special Law against Gender Based Violence and perpetrators are liable to investigation and sanction.

- **112.126 to ensure that violence against women, such as domestic violence and sexual violence, is punishable by law:** a Special Law against Gender Based Violence was passed in 2011 (Law 84/VII/11), including physical, psychological, sexual, moral and patrimonial violence, as well as harassment.

- **112.148 and 112.149 on further amends the Criminal Code to criminalize and punish the promotion of prostitution of children between 16 and 18 years of age:** as mentioned in Cabo Verde's national UPR report (paragraph 3), the amendments introduced to the Penal Code in 2015 include the revision of articles 148 and 149 to criminalize the facilitation of, or profiting from, the prostitution of children between 16 and 18 years old.

6. The one recommendation that would require the country to take actions that are not a priority in its national human rights agenda is the following:

- **112.14 – Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization:** indigenous and tribal people are not part of Cabo Verde's reality.

7. The recommendations of the UPR 3rd cycle will be broadly disseminated to raise public awareness on the UPR dialogue process and work on accepted recommendations will be discussed with ministries and institutions with responsibilities in their implementation, under the coordination of the *Inter-Ministry Commission for the Elaboration of National Reports*, attached to the Prime Minister's Office.

List of the 144 recommendations that Cabo Verde supports

112.1	112.17	112.34	112.51	112.70	112.86	112.101	112.117	112.134	112.151
112.2	112.18	112.35	112.52	112.71	112.87	112.102	112.118	112.135	112.152
112.3	112.19	112.36	112.53	112.72	112.88	112.103	112.119	112.136	112.153
112.4	112.21	112.37	112.54	112.74	112.89	112.104	112.121	112.137	112.154
112.5	112.22	112.38	112.55	112.75	112.90	112.105	112.122	112.138*	112.155
112.6	112.23	112.39	112.56	112.76	112.91	112.106	112.123	112.139	112.156
112.7	112.24	112.40	112.58	112.77	112.92	112.107	112.124	112.140	112.157
112.8	112.25	112.41	112.59	112.78	112.93	112.109	112.125	112.141	112.158
112.9	112.26	112.42	112.60	112.79	112.94	112.110	112.127	112.142	112.159
112.10	112.27	112.43	112.61	112.80	112.95	112.111	112.128	112.143	
112.11	112.28	112.44	112.62	112.81	112.96	112.112	112.129	112.144	
112.12	112.29	112.45	112.63	112.82	112.97	112.113	112.130	112.145	
112.13	112.30	112.46	112.65	112.83	112.98	112.114	112.131	112.146	
112.15	112.31	112.47	112.66	112.84	112.99	112.115	112.132	112.147	
112.16	112.32	112.48	112.67	112.85	112.100	112.116	112.133	112.150	